



FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1II Semester

SUBJECT: Political science-III

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Lecture-5



US Legislature/US Congress

It consists of two houses: House of Representatives and the Senate.

1. House of Representatives

- One of the weakest lower house in the world
- It consists of 435 members
- System of direct elections
- Representation of people may differ in number from different states

2. Senate

1. Permanent body
2. Strongest upper house in the world
3. It has equal powers in ordinary bills, amendment bills and money bills.
4. Term of a Senator is six years. 1/3rd of the members/Senators retire every two years.

- **Committee System in USA**

USA has the strongest committee system in the world. It is said that the US Congress works in the Committees.

- **Difference from British and Indian System**

1. In Britain and India, a bill is introduced in the House and the first reading takes place and then it is referred to the Committee
2. In USA, a bill is introduced and then directly referred to the Committee, before even the first reading

Pigeon Hole: A bill in USA may get killed at the Committee stage itself. This is known as Pigeon Holing the bill.

Duration of Representative bodies at the Centre

US

1. America's House of Representative and Senate are permanent bodies.
2. The terms of the members of the Representative and Senate come to an end on 3rd

India

1. In India, during an emergency, the duration of Lok Sabha can be extended by one year, or can be shortened by holding pre-matured elections.

2. The ruling party forms opinion based on their party's prospects in the next election. It may recommend for the dissolution of Lok Sabha and suggest the President to hold the election at an appropriate time, which may be based on political expediency.

Doctrine of Separation of Power and the System of Checks and Balances

The theory of Separation of Powers started with John Locke and became popular with Montesquieu (18th century philosophers).

Why Separation of Powers/Functions?

1. According to Montesquieu – liberty is not protected, unless there is Separation of Power.
2. Separation of Power with judiciary is a universal feature in all democracies.
3. The Presidential system provides Separation of Power w.r.t. all three organs of the government, whereas in the Parliamentary system there is a fusion of legislative and executive powers.

US

1. The US Constitution strictly adheres to the doctrine of Separation of Power proposed by Locke and Montesquieu. Separation of Power is complete in US.
2. All the three branches of the government have separate functions.
3. The term of Legislature and Executive are fixed and do not depend on each other.
4. None of the member of the Legislature can be a member of the Executive.
5. The Houses of Congress enact the law; the President executes the law; and the Supreme Court interprets the law.
6. The American President has no privilege of law making power. Moreover, he is neither a member of the House of Representative nor that of Senate.
7. By confirming veto power but equally not confirming the law-making power to the President, the Congress controls the Presidents and vice versa. In this way, 'Checks and Balance' are maintained.

MCQ

1. The American Constitution consists of a Preamble and:

A. 7 articles

B. 11 articles

C. 15 articles

D. 22 articles

2. The American Constitution is based on:

A. Principle of separation of powers

B. Principle of co-ordination of powers

C. Principle of parity of powers

D. None of these

3. The Supreme Court was created by the original constitution of:

A. 1776

B. 1787

C. 1789

D. 1791

4. The number of amendments effected in the American Constitution are:

A. Twenty-two

B. Twenty-three

C. Twenty-six

D. Twenty-seven

5. The number of amendments which adopted in 1791 were:

A. Five

B. Seven

C. Ten

D. Thirteen